

Title 17
LAND ADJUSTMENTS AND DIVISIONS*

Chapters:

- 17.00 User Guide [New Section]
- 17.02 General Provisions [Also incorporates existing Chapter 17.24]
- 17.04 Definitions
- 17.06 Boundary Line Adjustments [formerly Chapter 17.16]
- 17.08 Boundary Line Eliminations [New Section]
- 17.09 Short Plats [formerly Chapter 17.14]
- 17.10 Preliminary Plats [formerly Chapter 17.06]
- 17.12 Final Plats [formerly Chapter 17.10]
- 17.14 Improvement Requirements - Subdivisions [formerly Chapter 17.08]
- 17.16 Requirements for Planning and Other Studies/Analyses [New Section]
- 17.18 Modifications of Standards and Specifications
- 17.20 Subdivision Alterations [formerly Chapter 17.22]
- 17.22 Vacations [formerly Chapter 17.20]
- 17.24 Binding Site Plan Approval [New Section]
- 17.26 Cluster Subdivision [New Section]

* For statutory provisions on the regulation of plats, subdivisions and dedications of land, see Ch. 58.17 RCW; for provisions on subdivisions of land in code cities, see Ch. 35A.58 RCW.

Chapter 17.00

LAND ADJUSTMENTS AND DIVISIONS USER'S GUIDE

Title 17 of the Auburn City Code (ACC) contains standards, regulations and processes for the division of land and related to property boundaries within the City.

A division of land is called a subdivision. Currently, a division of land into four or fewer lots is called a short subdivision. A division into more than four lots is termed a “long plat”, “formal subdivision” or abbreviated as “subdivision”. Most of the regulations for subdivisions and short subdivisions are the same, but a short subdivision is reviewed and approved by City staff whereas a subdivision is reviewed and decided upon by the City’s Hearing Examiner. A plat is the drawing or map which shows the subdivision or short subdivision.

The plat review process, from the pre-application conference to preliminary approval, is set forth in Chapter 17.10. This chapter includes all the application requirements for a preliminary plat or short plat. Chapter 17.16 includes additional requirements for planning and other studies to be submitted for review along with the plat.

A plat must be laid out in accordance with the standards and specifications set forth in Chapter 17.14.

Once the layout of a subdivision has been approved by the City, it is said to have “preliminary approval”. Then the applicant must submit construction drawings of the infrastructure that was proposed in the preliminary plat. Once these construction drawings are approved by the City and the infrastructure has been built, inspected and accepted by the city, the plat has “final approval” and can be recorded with the County. In the case of a subdivision, an additional application, review and approval process is required for this “final approval”. This final plat process is set forth in Chapter 17.12

Other land adjustment tools are outlined in this title, including boundary line adjustments (Chapter 17.06) and boundary line eliminations (Chapter 17.08). Boundary Line Adjustments are the movement of a boundary line that does not result in the creation of a new lot. Boundary Line Eliminations are the merging of two or more lots by eliminating one or more lot lines.

The applicant can request a modification of subdivision standards and specifications through the process set forth in Chapter 17.18.

After a subdivision has been recorded with the County, any proposed change to the subdivision is called a subdivision alteration. The alteration process is set forth in Chapter 17.20. If the applicant proposes to make a change to an approved preliminary plat before final plat approval and recording, then the applicant may request a minor adjustment to the preliminary plat through the process set forth in Section 17.10.100.

A plat may also be vacated, or eliminated, after recording. Chapter 17.22 outlines the process by which a plat may be vacated, and to whom the title to the vacated property shall vest.

Chapter 17.02

LAND ADJUSTMENTS AND DIVISIONS - GENERAL PROVISIONS

Sections:

- 17.02.010 Short title.
- 17.02.020 General authority.
- 17.02.030 Purpose.
- 17.02.040 Scope.
- 17.02.050 Exceptions.
- 17.02.060 Administration.
- 17.02.065 Application Requirements
- 17.02.070 Consent to access.
- 17.02.080 Enforcement.
- 17.02.090 Amendments

17.02.010 Short title.

The ordinance codified in this title, together with any amendments hereto, shall be known as the “Auburn Land Division Ordinance” and shall constitute Title 17 of the Auburn City Code and shall hereafter be referred to as “this title.” (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.020 General authority.

This title is adopted under the authority of Chapters 35A.01, 35A.58 and 58.17 RCW. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.030 Purpose.

The purpose of this title is to regulate the division of land lying within the corporate limits of the city, and to promote the public health, safety and general welfare and prevent or abate public nuisances in accordance with standards established by the state and the city, and to:

- A. Prevent the overcrowding of land;
- B. Lessen congestion and promote safe and convenient travel by the public on streets and highways;
- C. Promote the effective use of land;
- D. Provide for adequate light and air;
- E. Facilitate adequate provision for water, sewerage, storm drainage, parks and recreational areas, sites for schools and school grounds, and other public requirements;
- F. Provide for proper ingress and egress;
- G. Provide for the expeditious review and approval of proposed land divisions which comply with this title, the Auburn zoning ordinance, other city plans, policies and land use controls, and Chapter 58.17 RCW;

- 1 H. Adequately provide for the housing and commercial needs of the citizens of the
- 2 state and city;
- 3 I. Require uniform monumenting of land divisions and conveyance by accurate legal
- 4 description;
- 5 J. Implement the goals, objectives and policies of the Auburn comprehensive plan;
- 6 (Ord. 4772 § 1, 1995; Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

7 **17.02.040 Scope.**

8 Every division of land lying within the corporate limits of the city shall comply with the
9 provisions of this title, except as provided by ACC 17.02.050, and shall also comply with
10 the provisions of Chapter 58.17 RCW. Wherever conflicts may arise between this title
11 and Chapter 58.17 RCW, the latter shall prevail. It shall be the responsibility of the
12 property owner, applicant and the city to ensure that a land division complies with this
13 title and Chapter 58.17 RCW. No building permit or other development permit shall be
14 issued for any lot, tract or parcel of land divided in violation of this title or Chapter 58.17
15 RCW unless the authority authorized to issue such permit finds that the public interest
16 will not be adversely affected thereby. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17 **17.02.050 Exceptions.**

18 The provisions of this title shall not apply to:

- 19 A. Cemeteries and other burial plots while used for that purpose;
- 20 B. Divisions made by testamentary provisions or the laws of descent;
- 21 C. Assessor's plats made in accordance with RCW 58.18.010;
- 22 (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

23 **17.02.060 Administration.**

24 This title shall be administered by the director of the planning, building and community
25 department. All applications for land division approval under this title shall be submitted
26 to the department. In cases where an environmental impact statement is required under
27 the provisions of the State Environmental Policy Act (SEPA – Chapter 43.21C RCW),
28 the department shall not be considered to be in receipt of an application, for the purpose
29 of complying with time limitations established by this title, until the date of issuance of a
30 final environmental impact statement. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

31 **17.02.065 Application Requirements. [Note: See separate memo on**

32 **state statutes on application requirements.]**

33 A. An application shall consist of all materials required by the application submittal
34 checklist, the applicable development regulations and shall, at a minimum, include the
35 following:

- 36 1. A completed project permit application form signed by the property owner(s)
- 37 and/or applicant and notarized;
- 38 2. A statement that the applicant attests by written oath to the accuracy and
- 39 completeness of all information submitted for an application;
- 40 3. A statement by the applicant that the property affected by the application is in
- 41 the exclusive ownership of the applicant, or that the applicant has submitted the
- 42 application with the written consent of all owners of the affected property and such
- 43 written consent is supplied with the application;
- 44 4. A legal description of the site;

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5. Applicable filing fee(s), if any, as established in the current City of Auburn Fee Schedule and relevant deposit(s), if any, as permitted or required by other chapters or sections of the Auburn City Code;

6. a. If out-side the City's Water or Sanitary Sewer Service Area, application shall include evidence of water or sanitary sewer availability or evidence of approval from King County or Pierce County Health Departments for a septic system adequate to accommodate the proposed development;

b. If inside the City's Water and Sanitary Sewer Service Area, application shall include a utility site plan;

7. Any additional information as required by the specific submittal checklist for each specific application type;

8. A project permit application is complete when it meets the submittal requirements specified by the Director. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. The Director shall have the authority to prepare, revise and/or waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

17.02.070 Consent to access.

Persons applying for approvals under this title shall permit free access to the land subject to the application, to all agencies considering the proposal, for the period of time extending from the time of application to the time of final action. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.080 Enforcement.

The building official, or his designee, pursuant to the provisions of Chapter 1.25 ACC, shall be charged with the responsibility of enforcing the provisions of this title or any conditions properly imposed by the hearing examiner, planning commission or city council. (Ord. 4501 § 2, 1991; Ord. 4296 § 2, 1988.)

17.02.090 Amendments [Note: Section moved from ACC 17.24]

A. Initiation of Amendments

1. The city council, or planning and community development committee of the city council, upon its own motion may request the planning commission to conduct a public hearing to amend any portion or all of this title; provided, that no public hearing is required for a purely administrative or procedural amendment of any portion of this title;

2. The planning commission may upon its own motion call for a public hearing to amend any portion or all of this title, with the exception of purely administrative or procedural amendments;

3. Any resident or property owner of the city may petition the city to request an amendment to the text of this title. (Ord. 6198 § 2, 2008; Ord. 4840 § 1, 1996.)

B. Public Hearing and Notice.

1. With the exception of purely administrative or procedural amendments, the planning director shall schedule a public hearing to be held before the planning commission for any proposal to amend this title or to adopt or repeal any ordinance

1 under the authority established by Chapter 58.17 RCW. The director shall cause notice
2 of such hearing to be given as follows:

3 a. By sending to any individual or organization which has submitted a request for
4 notification a notice indicating the time and place of public hearing, describing the
5 general nature of the proposal, and indicating how copies of the proposed ordinance or
6 amendment can be obtained; and

7 b. By publishing in a newspaper of general circulation in the area a notice
8 indicating the time and place of public hearing, describing the general nature of the
9 proposal, and indicating how copies of the proposed ordinance or amendment may be
10 obtained.

11 2. For all proposals to make purely administrative or procedural amendments to
12 this title, the planning director shall cause notice of such proposed amendment to be
13 given as follows:

14 a. By sending to any individual or organization which has submitted a request for
15 notification, advance notice of the proposed amendment that indicates how copies of the
16 proposed amendment can be obtained.

17 b. By publishing in a newspaper of general circulation in the area advance notice
18 of the proposed amendment that indicates how copies of the proposed amendment can
19 be obtained.

20 3. For the purposes of this chapter, substantive amendments shall be distinguished
21 from procedural or administrative amendments in accordance with the following:

22 “Substantive” matters relate to regulations that define or limit what can be done in terms
23 of conduct, use or action (e.g., what use may be made of land, what requirements apply
24 to development, what public infrastructure may be required of certain developments),
25 and “procedural” or “administrative” matters are those that relate to the process of how
26 an application to take such action must be pursued (e.g., time limits for applications and
27 appeals, what forms must be used, and where or how applications must be submitted.
28 Essentially, “procedural” or “administrative” matters are the mechanical rules by which
29 substantive issues may be pursued). (Ord. 6198 § 1, 2008; Ord. 6006 § 5, 2006; Ord.
30 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

31 C. Planning Commission Recommendation.

32 After the public hearing has been closed, the planning commission shall recommend
33 to the council either adoption, adoption with modifications, or rejection of the proposed
34 ordinance or amendment. In formulating its recommendation, the commission shall
35 consider, among other things, the relationship between the proposed ordinance or
36 amendment and the comprehensive plan, other applicable city policies, and other
37 existing land use controls. (Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

38 D. City Council Action.

39 The planning director shall forward the planning commission’s recommendation, in
40 writing, to the council. The council may elect to hold its own public hearing, either before
41 the full council or before a council committee, in which case the city clerk shall cause
42 adequate notice to be given. The council shall consider, but shall not be bound by, the
43 planning commission’s recommendation in reaching its own decision. (Ord. 4840 § 1,
44 1996; Ord. 4296 § 2, 1988.)

45
46 **Chapter 17.04**
47 **DEFINITIONS**

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3	17.04.020	ACC.
4	17.04.030	Applicant.
5	17.04.040	Application.
6	17.04.050	Binding site plan.
7	17.04.055	Boundary line elimination
8	17.04.060	City.
9	17.04.070	Code.
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11	17.04.090	Comprehensive plan.
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13	17.04.110	Dedication.
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41	17.04.340	Street.
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17.04.010 General definitions.

Except where specifically defined in this chapter, all words used in this title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “he” or “his” shall also refer to “she” or “her,” the word “shall” is always mandatory, the word “may” denotes a use of discretion in making a decision, the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” (Ord. 4296 § 2, 1988.)

17.04.020 ACC.

“ACC” means the Auburn City Code. (Ord. 4296 § 2, 1988.)

17.04.030 Applicant.

“Applicant” means the owner or owners of record of the property subject to an application for land division or lot line adjustment, or the authorized representative of such owner or owners. (Ord. 4296 § 2, 1988.)

17.04.040 Application.

“Application” means all of the application forms, plans and accompanying documents required by this title for any particular land division, boundary line adjustment, or lot line elimination request. The city shall not be considered to be in receipt of an application under this title until the planning director has verified that an application is complete. (Ord. 4296 § 2, 1988.)

17.04.050 Binding site plan.

“Binding site plan” means a drawing prepared pursuant to ACC 18.20.060, and showing the location and general characteristics of streets, utilities and other physical features of property divided under the procedures of Chapter 18.20 ACC. (Ord. 4296 § 2, 1988.)

17.04.055 Boundary line elimination

“Boundary line elimination” means the removal of interior lot lines of two or more separate lots with contiguous ownership.

17.04.060 City.

“City” means the city of Auburn, Washington. (Ord. 4296 § 2, 1988.)

17.04.070 Code.

“Code” means the Auburn City Code. (Ord. 4296 § 2, 1988.)

17.04.080 Commission.

“Commission” means the planning commission of the city as established by Chapter 2.45 ACC. (Ord. 4296 § 2, 1988.)

17.04.090 Comprehensive plan.

“Comprehensive plan” means the comprehensive plan for the Auburn planning area, as now constituted or hereafter amended, or its successor. (Ord. 4296 § 2, 1988.)

17.04.100 Council.

“Council” means the Auburn city council. (Ord. 4296 § 2, 1988.)

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17.04.110 Dedication.

“Dedication” means the deliberate conveyance of land by an owner or owners to the city for any general and public uses, reserving to the owner or owners no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner or owners presenting for filing a final plat showing the dedication thereon. Acceptance by the city shall be indicated by the approval of the city council, as evidenced by the presence of the mayor’s signature on the face of the final plat. (Ord. 4296 § 2, 1988.)

17.04.120 Department.

“Department” means the city department of planning, building, and community, or its successor, unless otherwise specified. (Ord. 4296 § 2, 1988.)

17.04.130 Development permit.

“Development permit” means any permit issued by the city allowing the physical alteration of real property, including but not limited to building construction or alteration, street construction, utility construction or installation, grading, filling or excavating. Approval of a subdivision, short subdivision, binding site plan, boundary line adjustment or lot line elimination shall not be considered a “development permit” for the purposes of this title. (Ord. 4296 § 2, 1988.)

17.04.140 Director, Planning.

See Planning Director (ACC 17.04.265).

17.04.150 EIS or environmental impact statement.

“EIS” or “environmental impact statement” means a document prepared to assess the environmental impacts of a proposal which has been judged to have, or to likely have, a significant adverse effect upon the quality of the environment pursuant to the State Environmental Policy Act of 1971 (Chapter 43.21C RCW), as now constituted or hereafter amended. (Ord. 4296 § 2, 1988.)

17.04.160 Final plat.

“Final plat” means the final drawing of a subdivision and dedication prepared for filing for record with the county auditor, and containing all elements and requirements as set forth in Chapter 17.12 ACC and as set forth in Chapter 58.17 RCW. (Ord. 4296 § 2, 1988.)

17.04.170 Hearing examiner.

“Hearing examiner” means the city hearing examiner, as established by Chapter 18.66 ACC. (Ord. 4296 § 2, 1988.)

17.04.180 Improvements.

“Improvements” means the street/transportation, utilities, and other facilities required by this title to be constructed in conjunction with any particular land division. (Ord. 4296 § 2, 1988.)

17.04.190 Land division.

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1 “Land division” means the creation of any new lot or lots for the purpose of sale, lease
2 or transfer of ownership, whether such lot or lots is created by subdivision, short
3 subdivision, or binding site plan. (Ord. 4296 § 2, 1988.)

4 **17.04.200 Lot.**

5 “Lot” means an area of land under single or common ownership, which has been
6 created by any of the various land division methods for the purpose of lease, sale or
7 transfer of ownership, defined by fixed and definite boundaries, and having sufficient
8 area and dimension to accommodate development allowed by the zone in which it is
9 located. As per RCW 58.17.020(9) the term lot shall include tracts or parcels. The term
10 shall not include those tracts or parcels which are not buildable, but are created for
11 common or public use such as road and utility tracts. (Ord. 6006 § 1, 2006; Ord. 4296 §
12 2, 1988.)

13 **17.04.205 Lot area.**

14 “Lot area” means the total horizontal area within the boundary lines of a lot, however,
15 the area contained in access easements, tracts, or panhandles shall not be included in
16 the lot area or any other lot size computation. (Ord. 4296 § 2, 1988.)

17 **17.04.210 Boundary line adjustment.**

18 “Boundary line adjustment” means the relocation of the boundaries of a lot, which
19 relocation does not result in the creation of any additional lot or lots. (Ord. 4296 § 2,
20 1988.)

21 **17.04.215 Lot line elimination.**

22 See ACC 17.04.055 Boundary line elimination.

23 **17.04.220 Lot of record.**

24 “Lot of record” means a lot which has been recorded by the county and appears on
25 the official maps of the county assessor. (Ord. 4296 § 2, 1988.)

26 **17.04.225 Monument.**

27 “Monument” means a permanent type survey marker which conforms to the city
28 standard detail for monuments, or an approved substitute. (Ord. 4296 § 2, 1988.)

29 **17.04.230 One percent flood hazard area.**

30 “One percent flood hazard area” means the land within the city which has been
31 determined to have a one percent or greater probability of flooding in any given year, as
32 indicated on maps prepared under the National Flood Insurance Program entitled “Flood
33 Boundary and Floodway Map.” (Ord. 4296 § 2, 1988.)

34 **17.04.235 Original tract.**

35 “Original tract” means a unit of unplatted land held under single or unified ownership,
36 the configuration of which may be determined by the fact that all land abutting said tract
37 is separately owned by others, not including an applicant or applicants; provided, that
38 where a husband and wife own contiguous lots in separate or community ownership,
39 said contiguous lots shall constitute the original tract. (Ord. 6006 § 2, 2006.)

40 **17.04.285 Parcel**

41 See ACC 17.04.200 “Lot”.

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1 [Note: requested separate definition of parcel. Yet, RCW 58.17.020(9) includes
2 parcel as part of definition of “lot.” May need to revisit with more detailed separate
3 definition.]

4 **17.04.240 Panhandle.**

5 “Panhandle” means an irregular extension or protrusion of a lot, created for the
6 purpose of providing such lot with frontage on a public or private street or access way.
7 (Ord. 4296 § 2, 1988.) [Note: Recommend reviewing and possibly revising definition for
8 update.]

9 **17.04.250 Planning agency.**

10 “Planning agency” means the Auburn department of planning, building, and
11 community, or its successor. (Ord. 4296 § 2, 1988.)

12 **17.04.260 Planning commission.**

13 “Planning commission” means that body created by Chapter 2.45 ACC. (Ord. 4296 §
14 2, 1988.)

15 **17.04.265 Planning director.**

16 “Planning Director” means the director of the Auburn department of planning, building,
17 and community, or its successor, unless otherwise specified.

18 **17.04.270 Preliminary plat.**

19 “Preliminary plat” means a neat and approximate drawing of a proposed subdivision
20 showing the general layout of streets and alleys, lots, blocks and other elements of a
21 subdivision consistent with the provisions of Chapter 17.06 ACC. (Ord. 4296 § 2, 1988.)

22 **17.04.280 Public way.**

23 “Public way” means any publicly owned land set aside for surface transportation
24 purposes, including vehicular, bicycle and pedestrian transportation, whether improved
25 or not improved. (Ord. 4296 § 2, 1988.) [Note: Recommend reviewing and possibly
26 revising definition for update.]

27 **17.04.290 RCW.**

28 “RCW” means the Revised Code of Washington, as now constituted or hereafter
29 amended. (Ord. 4296 § 2, 1988.)

30 **17.04.300 Regulatory floodway.**

31 “Regulatory floodway” means the channel of a river or other water course together
32 with the adjacent land areas which must be reserved in order to discharge a flood
33 without cumulatively increasing the water surface elevation by more than one foot, as
34 indicated on maps prepared under the National Flood Insurance Program entitled “Flood
35 Boundary and Floodway Map.” (Ord. 4296 § 2, 1988.)

36 **17.04.310 Reserved**

37 **17.04.320 Short plat.**

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1 “Short plat” means a neat and accurate drawing of a short subdivision, prepared for
2 filing for record with the county auditor, and containing all elements and requirements as
3 set forth by Chapter 17.09 ACC. (Ord. 4296 § 2, 1988.)

4 **17.04.330 Short subdivision.**

5 “Short subdivision” means the division or redivision of land into four or fewer lots,
6 tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership,
7 consistent with the provisions of Chapter 17.09 ACC. (Ord. 4296 § 2, 1988.)

8 **17.04.340 Street.**

9 “Street” means any land legally segregated or reserved for the purpose of providing
10 for vehicular travel and access to real property. (Ord. 4296 § 2, 1988.) [Note:
11 Recommend definition update in coordination with Engineering Standards update.]

12 **17.04.350 Street, half.**

13 “Half street” means a street with improvements built only from the centerline to one
14 edge of the ultimate right-of-way, designed and built in accordance with all applicable
15 ordinances, standards and requirements; provided, that appropriate measures shall be
16 taken to protect the structural integrity of the exposed edge of pavement at the ultimate
17 centerline, as determined by the city engineer. (Ord. 4296 § 2, 1988.)

18 **17.04.360 Street, private.**

19 “Private street” means any street which is not a public street. (Ord. 4296 § 2, 1988.)

20 **17.04.370 Street, public.**

21 “Public street” means any street, whether improved or unimproved, held in public
22 ownership and intended to be open as a matter of right to public travel. (Ord. 4296 § 2,
23 1988.) [Note: Recommend review and reconciliation of definition compared to that of
24 Title 18 and those found in Engineering Standards update.]

25 **17.04.380 Subdivision.**

26 “Subdivision” means the division or redivision of land into five or more lots, tracts,
27 parcels, sites or divisions for the purpose of sale, lease or transfer of ownership,
28 consistent with the provisions of this title; provided, that the term “subdivision” shall also
29 include the redivision of land into four or fewer lots, tracts, parcels, sites or divisions for
30 the purpose of sale, lease or transfer of ownership where such land has been short
31 subdivided within the previous five years and does not meet the criteria of ACC
32 17.09.010(B). (Ord. 4296 § 2, 1988.)

33 **17.04.385 Tract**

34 See ACC 17.04.200 “Lot”

35 [Note: requested separate definition of tract. Yet, RCW 58.17.020(9) includes
36 tract as part of definition of “lot.” May need to revisit with more detailed separate
37 definition.]

38 **17.04.390 USC and GS.**

39 “USC and GS” means the United States Coastal and Geodetic Survey. (Ord. 4296 §
40 2, 1988.)

17.04.400 USGS.

“USGS” means United States Geodetic Survey. (Ord. 4296 § 2, 1988.)

17.04.410 Zoning ordinance.

“Zoning ordinance” means the Auburn comprehensive zoning ordinance, codified as Title 18 of this code, as now constituted or hereafter amended. (Ord. 4296 § 2, 1988.)

Chapter 17.06

BOUNDARY LINE ADJUSTMENTS

Sections:

17.06.005 Purpose.

17.06.010 Scope.

17.06.020 Application.

17.06.030 Administrative review.

17.06.005 Purpose.

The purpose of this chapter is to define the criteria used by the city of Auburn to review boundary line adjustments. Boundary line adjustments are intended to provide a procedure for minor changes to the location of a boundary line. This chapter is also intended to ensure compliance with Chapter 58.09 RCW and WAC 332-130. (Ord. 6006 § 4, 2006.)

17.06.010 Scope.

The boundary lines separating two or more lots of record may be adjusted under the provisions of this chapter; provided, that such adjustment:

A. Will not result in the creation of any additional lot, tract, parcel, site or division;

B. Will not create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet the requirements of ACC Title 18;

C. Will not adversely affect storm drainage, water supply, existing or future sanitary sewage disposal, access easements for vehicles, utilities and fire protection;

D. Will not create or diminish any easement or otherwise deprive any parcel of access or utilities;

E. Will be consistent with any applicable health, building or similar regulations;

F. Will not increase the nonconforming aspects of an existing nonconforming lot. (Ord. 6006 § 4, 2006; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.06.020 Application.

A. In addition to the requirements for submitting a complete application as set forth in ACC 14.05.020, requirements for application materials for Boundary Line Adjustments are found in ACC 17.02.065.

[Editor's Note: Application requirements authorized pursuant to ACC 17.02.065. Detail of application requirements section above will be found in application form or handout which will not require a code amendment to be revised.]

17.06.030 Administrative review.

An application for a boundary line adjustment shall be approved, approved with conditions, returned to the applicant for modifications or denied within 15 days of determining the application to be complete. The department shall not be considered to be in receipt of a complete application unless and until such time as the application meets the requirements of ACC 17.06.020, as determined by the director.

A. The planning director shall forward copies of the proposed boundary line adjustment plan to the building official, public works and fire departments, who shall review the plan and submit comments to the planning director within 10 days of receipt.

B. Following receipt of the comments of those consulted under subsection A of this section, but no later than 15 days following receipt of a complete application, the planning director shall approve or deny the requested boundary line adjustment. Following a decision, the director shall notify the applicant to file a final Mylar drawing for signatures. The Mylar shall be transmitted to the appropriate county office for recording. The boundary line adjustment must be recorded within 30 days or the lot line adjustment shall be null and void. A recorded Mylar copy shall be provided to the city and applicant.

C. An aggrieved person may appeal the director's decision on a boundary line adjustment, within 14 days of mailing the director's decision, to the hearing examiner, in accordance with procedures prescribed in ACC 18.70.050(B) through (E). The hearing examiner's decision shall be final unless appealed to superior court as prescribed in ACC 18.66.160. (Ord. 6186 § 14, 2008; Ord. 6061 § 5, 2006; Ord. 6006 § 4, 2006; Ord. 5170 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

Chapter 17.08 BOUNDARY LINE ELIMINATIONS

Sections:

- 17.08.010 Purpose.
- 17.08.020 Review process.
- 17.08.030 Applications.
- 17.08.040 Drawing requirements.
- 17.08.050 Recordation.

17.08.010 Purpose.

The purpose of a lot line elimination is to remove interior lot lines of a parcel comprised of two or more separate lots with contiguous ownership.

17.08.020 Review process.

Lot line eliminations are reviewed administratively by the department. An application for a lot line elimination is evaluated on the basis of the information provided by the applicant. No other review process under this title shall be required for lot line eliminations.

17.08.030 Applications.

Applications for lot line eliminations shall be submitted to the department in the form described below and shall include the following information:

A. Completed general application form signed by all vested owners. Agent authorization is required if application is not signed by the owner(s). Names, addresses, and phone numbers of all vested owners shall be included.

B. Lot line elimination application fee payable to the city of Auburn.

C. Lot line elimination and restrictive covenant fully executed and notarized by all vested owners.

D., Complete and accurate legal descriptions of the original parcels set forth in the lot line elimination and restrictive covenant.

E. Complete and accurate legal description of the revised parcel set forth in the lot line eliminations and restrictive covenant.

F. Copy of a title report, with liability for errors not to exceed the assessed value of the lots on the date of application. The title report shall be no more than 30 days prior to the application date. The city may request an updated title report prior to approval at its discretion.

G. Two copies of accurate, scaled drawings of the original and revised parcels meeting the requirements listed below.

17.08.040 Drawing requirements.

The drawing sheet shall be eight and one-half inches by 11 inches in size drawn at an engineering scale of one inch represents 50 inches or larger. A larger sheet size may be used, if necessary, up to a maximum of 18 inches by 24 inches. The drawings shall include the following information:

A. The original parcel lot lines shall be shown with heavy, solid lines. The location of all streets and structures shall be shown. The drawing shall clearly show property dimensions, distances from all structures to property lines, and the use of all structures.

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1 B. The revised exterior parcel lot lines shall be shown with heavy, solid lines. The
2 interior lot lines to be eliminated shall be shown with a light, dashed line. The location of
3 all streets and structures shall be shown. The drawing shall clearly show property
4 dimensions, distances from all structures to property lines, and the use of all structures.

5 C. A north arrow, with a preference for north oriented to the top of the sheet, shall be
6 shown on each drawing.

7 D. Tax parcel numbers of the parcels being altered by the lot line elimination shall
8 be shown.

9 [Note: Comment on clarifying one or two drawing sheets.]

10 **17.08.050 Recordation.**

11 The city shall record all approved lot line eliminations with the King County or Pierce
12 County division of elections and records. A copy of the documents, stamped with the
13 recording number, shall be forwarded to the applicant, the file, and the King County
14 department of assessments for assessment purposes. All fees for such recording shall
15 be paid by the applicant prior to recording. [Note: Will verify appropriate names of King
16 County and Pierce County offices.]

Chapter 17.09 SHORT SUBDIVISIONS

Sections:

- 17.09.010 General provisions.
- 17.09.020 Preapplication conference.
- 17.09.030 Application.
- 17.09.035 Survey.
- 17.09.040 Accompanying documents.
- 17.09.050 Administrative review.
- 17.09.055 Improvement requirements.
- 17.09.060 Planning director's decision.
- 17.09.070 Distribution and filing.
- 17.09.080 Conditional approval requirements.
- 17.09.090 Release of improvement guarantee.
- 17.09.100 Repealed.
- 17.09.110 Repealed.

17.09.010 General provisions.

Every short subdivision shall comply with the provisions of this chapter. Land shall be divided by the short subdivision method according to the provisions of this title, if the three following criteria are met:

- A. The division will not result in the creation of more than four lots;
- B. The original tract being divided has not been created by a short subdivision within the previous five years, except that when the short plat contains fewer than four parcels, a revised short plat may be filed within the five-year period to create up to a total of four lots within the original short plat boundaries.
- C. The entire original tract (except adjacent platted or short platted land) shall be included within one short plat application; provided, that a pre-existing, unplatted adjacent parcel may also be excluded if it is 20 acres or greater in size. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.020 Preapplication conference.

Persons considering making application to short subdivide land are encouraged to request a preapplication conference with appropriate city staff. Preapplication conferences may be requested by filing necessary materials as required by the planning director. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.030 Application.

In addition to the requirements for submitting applications as set forth in ACC 14.05.020, application materials for short subdivision shall be as identified in ACC 17.02.065.

17.09.035 Reserved

[Note: Survey requirements language above could be included among the requirements of ACC 17.02.065 and included/updated administratively in hand-outs.]

17.09.040 Reserved.

[Note: Accompanying documents language above could be included among the requirements of ACC 17.02.065 and included/updated administratively in hand-outs.]

17.09.050 Administrative review.

A. An application for short plat approval shall be approved, approved with conditions, returned to the applicant for modifications, or denied within 30 days of being determined to be a complete application unless the applicant agrees, in writing, to an extension of this time period. The department shall not be considered to be in receipt of a complete application for short plat approval unless and until such time as the application meets the requirements of ACC 17.02.065, and a determination of complete application has been issued pursuant to Chapter 14.06 ACC. This time period may be extended if an environmental checklist is required by Chapter 16.06 ACC and such extension does not conflict with applicable requirements contained in ACC Title 14.

B. Upon receiving a complete application for short subdivision approval, the director shall transmit a copy of the short plat, together with copies of any accompanying documents as the director deems appropriate, to the following:

1. City engineer, who shall review the proposed short subdivision with regard to its conformance to the general purposes of adopted traffic and utility plans; adequate provisions for storm drainage, streets, alleys, other public ways, water and sanitary sewer; and conformance to any applicable improvement standards and specifications and compliance with Chapter 58.09 RCW and Chapter 332-130 WAC;

2. City fire marshal, who shall review the proposed short subdivision with regard to adequate provisions for emergency access;

3. City building official, who shall assign addresses to each lot within the proposed short subdivision;

4. Any other city department, utility provider, school district or other public or private entity as the director deems appropriate.

C. In transmitting the proposed short plat to the parties referenced above, the director shall solicit their comments and recommendations, and note the date by which comments and recommendations must be received by the department in order to be considered. Any comments received by that date will form the basis of the director's decision on the short subdivision. However, in every case a proposed short plat shall contain a statement of approval from the city engineer, as to the survey data, the layout of streets, alleys and other rights-of-way, design of bridges, sewer and water systems and other structures. The planning director shall not approve a short plat that does not contain such a statement signed by the city engineer.

D. The planning director shall review the proposed short subdivision and determine its conformance to the general purposes of this title, its conformance to the Auburn comprehensive plan, its conformance to ACC Title 18, and any other applicable land use controls. (Ord. 6061 § 3, 2006; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.14.055 Improvement requirements.

A. Lot Area and Dimensions. Each lot created by short subdivision shall contain sufficient square footage and lot dimensions to meet the requirements of ACC Title 18. Each lot to be served by an on-site sewage disposal system shall be a minimum of 15,000 square feet in area and shall also meet the minimum lot area requirements of the county department of health rules and regulations, as determined by the city engineer. Land contained in access easements, tracts or panhandles shall not be included in lot area or lot dimension calculations for the purposes of this section.

B. Every lot within a short plat shall be capable of being reasonably served by public or private sewage disposal, water, storm drainage facilities and streets. The city will not approve a short plat for which a building permit cannot be issued because of insufficient infrastructure.

C. Conformance with Adopted Plans. Street, water, sewer and storm drainage facilities adjacent to or within the short subdivision shall be in conformance with adopted city ordinances, standards and policies. Easements for utilities recommended by such plans shall be provided to the city, with the exact location of such easements to be determined by the city engineer.

D. Floods, Flood Control and Storm Drainage.

1. Where any portion of the proposed short subdivision lies within the 100-year flood hazard area or the regulatory floodway, the director shall impose a condition on the short plat requiring the subdivider to conform to the Federal Emergency Management Agency (FEMA) flood hazard requirements.

2. A conceptual storm drainage/site grading plan shall be required to be submitted, as part of the short plat application, unless waived by the city engineer.

E. Adjacent Streets. When any public street lying adjacent to the property being short subdivided has insufficient width or for any other reason does not conform to minimum street standards, as described in ACC 17.14.090 through 17.14.150, sufficient additional right-of-way shall be dedicated to the city and appropriate improvements shall be made by the subdivider to conform the abutting half of the street to such standards. Such improvements may be delayed if guaranteed to the satisfaction of the city engineer. Any such guarantee shall be recorded with the plat and shall be binding upon the property owner and the owner's heirs, successors and assigns. In deciding whether a delay should be allowed, the city engineer shall consider the present and future need for such improvement, the improved or unimproved nature of adjacent right-of-way, and whether or not street grades have been established.

F. Access.

1. All short subdivisions shall border on an opened, constructed and maintained public street. All lots within a short subdivision shall either border on an opened, constructed and maintained public street or shall be served by a private street, access easement, tract or panhandle having direct access to such a public street. Where private streets and access easements are provided, they shall be improved or guaranteed to the city of Auburn and be in conformance with the city of Auburn design and construction standards.

2. All private streets, access easements and panhandles shall be capable of meeting the fire access requirements of Chapter 15.36A ACC and the development standards of Chapter 18.31 ACC, in addition to any other requirements of this title, including, but not limited to, all-weather surface material as provided by the city engineer, where not otherwise required to be paved, and minimum turnaround requirements on dead-end streets or access easements as specified by the fire department.

1 G. Dedication of Streets.

2 1. Dedication of a public street or streets may be required, whenever the
3 planning director finds that one or more of the following conditions applies:

4 a. The general alignment of a proposed private street, access easement or
5 panhandle follows the general alignment of a future arterial as shown in the
6 comprehensive plan; or

7 b. The general alignment of a proposed private street, access easement or
8 panhandle can be reasonably modified to provide a desirable through-connection
9 between two or more existing or planned public streets or arterials; or

10 c. A public street would be necessary to provide adequate access to
11 adjacent property not subject to the proposed short subdivision.

12 2. Whenever the director makes such a finding the short plat shall be returned to
13 the applicant and a public hearing scheduled on the proposed street dedication. The
14 hearing examiner shall conduct the hearing pursuant to ACC 18.66.150 and make a
15 decision. Subsequent to the hearing examiner's decision, the applicant shall prepare a
16 statutory warranty deed, dedicating the street, and together with the deed return the
17 short plat to the director for action.

18 H. Fire Hydrants. All lots within a short plat shall be capable of being served by a fire
19 hydrant as required by Chapter 13.16 ACC. Property zoned RC, residential
20 conservancy, may be exempt, provided the requirements of ACC 13.16.030 are met.
21 (Ord. 6186 § 12, 2008; Ord. 6006 § 3, 2006.)

22 **17.09.060 Planning director's decision.**

23 A. The planning director shall, within the time period described by ACC 17.09.050(A),
24 take one of the following actions:

25 1. Approve the short subdivision with or without conditions;

26 2. Return the short plat to the applicant for correction or modification or for the
27 construction of improvements as requested by the city engineer or fire marshal; or

28 3. Disapprove the short subdivision.

29 B. The director may require, as a condition of plat approval, that any required
30 improvements be guaranteed by one of the methods described by ACC 17.14.010, prior
31 to short plat approval or issuance of building permits for any lot within the short plat.

32 C. Upon reaching a decision, the director shall so notify the applicant. Such
33 notification shall comply with any applicable requirements contained in ACC Title 14 and
34 contain any conditions of approval.

35 D. The applicant shall submit a Mylar drawing of the short plat for signature, together
36 with an updated title report. The final Mylar drawing shall be presented for recording and
37 shall contain all survey information required for a record of survey under Chapter 58.09
38 RCW and Chapter 332-130 WAC.

39 E. Any person aggrieved by the decision of the planning director may appeal, within
40 14 days of mailing the decision, the decision to the hearing examiner in accordance with
41 procedures prescribed in ACC 18.70.050(B) through (E). The city shall extend the
42 appeal period for an additional seven days for short plats that are accompanied by a
43 final mitigated determination of nonsignificance or final EIS. After public hearing thereon,
44 the hearing examiner may approve, disapprove or return the short plat to the applicant
45 for modification, correction, construction of improvements, or meeting conditions of
46 approval. The hearing examiner's decision shall be final unless appealed to superior
47 court as prescribed in ACC 18.66.160. (Ord. 6186 § 13, 2008; Ord. 6006 § 3, 2006; Ord.
48 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.070 Distribution and filing.

The Mylar original of the approved short plat shall be forwarded to the appropriate county office for recording. The short plat must be recorded within 30 days or the short plat shall become null and void. A recorded Mylar copy shall be provided to the city and applicant. (Ord. 6061 § 4, 2006; Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.080 Conditional approval requirements.

Where a short plat is approved subject to conditions, no building permit shall be issued for property subject to the short subdivision prior to the conditions either being fulfilled or guarantees provided to ensure the conditions are met. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.09.090 Release of improvement guarantee.

If an improvement bond or other guarantee has been submitted under ACC 17.09.060(B), such guarantee shall be released upon acceptance by the city of a properly executed bill of sale for such improvements. A portion of the guarantee equivalent to 10 percent of the value of public improvements installed may be retained by the city for a period of time up to one year after acceptance, to ensure the adequate operation of such improvements, following which any unused portion of such guarantee shall be released. (Ord. 6006 § 3, 2006; Ord. 5164 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

Chapter 17. PRELIMINARY PLATS

Sections:

- 17.10.010 Preapplication conference.
- 17.10.020 Application, submittal and contents.
- 17.10.030 Public hearing.
- 17.10.040 Administrative review.
- 17.10.050 Hearing examiner review.
- .
- 17.10.070 Findings of fact.
- 17.10.080 Notice of decision to applicant.
- 17.10.090 Transfer of property.
- 17.10.100 Adjustments of an approved preliminary plat.
- 17.10.110 Time limitations.

17.10.010 Preapplication conference.

Persons considering making application to subdivide land lying within the city of Auburn are encouraged to file a request for a preapplication conference be held with appropriate city staff. Such request shall be directed to the planning director, and upon

1 its receipt the director shall schedule a conference between the prospective applicant
2 and appropriate city staff. The purpose of a preapplication conference is for the
3 prospective applicant and city staff to gain a common understanding of the nature of the
4 contemplated subdivision and subsequent development, and any procedures, rules,
5 standards and policies which may apply. The prospective applicant is encouraged to
6 bring to the conference whatever information deemed appropriate to help describe the
7 existing nature of the site and its surroundings and the proposed nature of the
8 contemplated land division and subsequent development. Such information may include
9 photographs, sketches and maps. The director or the prospective applicant may request
10 that an additional conference or conferences be held to further the purpose of this
11 section. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)
12

13 **17.10.020 Application, submittal and contents.**

14 A. Application. In addition to the requirements for a completed application as provided
15 in ACC Title 14, application for subdivision or short subdivision approval shall be
16 submitted as required in ACC 17.02.065.
17

18 [Editor's Note: Application requirements authorized pursuant to ACC 17.02.065. Detail
19 of application requirements section above will be found in application form or handout
20 which will not require a code amendment to be revised.]

21 **17.10.030 Public hearing.**

22 A. Upon receipt of a complete application for preliminary plat approval, the director
23 shall tentatively set a date for a public hearing to be held before the hearing examiner.
24 Every hearing held for the purposes of this chapter shall be open to the public, and a
25 record of the hearing shall be kept and made available for public inspection. A public
26 hearing held under this chapter shall not be continued beyond the originally scheduled
27 date of public hearing unless the applicant consents, in writing, to an extension of the
28 time period allowed for a decision under RCW 58.17.140.

29 B. Any notice of public hearing required by this section shall include the hour and
30 location of the hearing and a description of the property to be subdivided. The
31 description may be in the form of either a vicinity location sketch or a written description
32 other than a legal description.

33 C. Except as provided in RCW 36.70B.110 at a minimum, the planning director shall
34 cause notice of the hearing to be given in the following manner:

35 1. Notice shall be published not less than 10 days prior to the hearing in a
36 newspaper of general circulation within the county where the real property proposed for
37 subdivision is located;

38 2. Notice shall be published not less than 10 days prior to the hearing in a
39 newspaper of general circulation in the area where the real property proposed for
40 subdivision is located;

41 3. Notice will comply with the applicable provisions of ACC 14.07.040;

42 4. Where any boundary of the proposed subdivision lies adjacent to or within one
43 mile of the municipal boundaries of any city or town other than the city of Auburn, the city
44 shall mail notice to the appropriate city or town authorities;

45 5. Where the proposed subdivision adjoins the municipal boundaries of the city of
46 Auburn, the city shall mail notice to the appropriate county officials;

6. Where the proposed subdivision is located adjacent to the right-of-way of a state highway, the city shall mail notice to the Washington State Department of Transportation;

7. Where the proposed subdivision is located within two miles of a publicly owned airport, the city shall mail notice to the Washington State Secretary of Transportation. (Ord. 5811 § 6, 2003; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

[Note: Possibly replace ACC 17.10.050C with reference to Title 14 per staff comment.]

17.10.040 Administrative review.

A. The director shall transmit copies of the proposed preliminary plat to the city engineer, together with copies of any appropriate accompanying documents. The city engineer shall review the preliminary plat as to the adequacy of the proposed means of sewage disposal and water supply; the conformance of the proposal to any plans, policies or regulations pertaining to streets, utilities; and regarding any other issues related to the interests and responsibilities of the city engineer and the department of public works. The terms of a recommendation for approval submitted to the hearing examiner under this subsection shall not be modified by the director of public works or the city engineer without the consent of the applicant.

B. The director shall solicit the comments of any other appropriate city department, local utility provider, local school district, and any other appropriate public or private entity, concerning the proposed subdivision. Comments received in a timely manner, as well as any written comments received in response to a notice of public hearing, shall either be transmitted to the hearing examiner or incorporated into a report prepared by the director and submitted to the hearing examiner, prior to the scheduled public hearing.

C. The director shall ensure that, to the extent possible, the preliminary plat will be processed simultaneously with other approvals related to the subject property. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.050 Hearing examiner review of preliminary plats.

A. Pursuant to the provisions of Chapter 18.66 ACC, the hearing examiner shall within 10 calendar days of the closure of the public hearing approve, deny, or approve with conditions the preliminary plat. The hearing examiner shall not recommend approval of the preliminary plat unless he finds the proposed subdivision is in conformance with the findings of fact as outlined in ACC 17.10.070.

B. Pursuant to the provisions of ACC 18.66.150, the planning director or any interested party affected by the recommendation of the examiner who asserts that the hearing examiner based that recommendation on an erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for review by the examiner within seven calendar days after the written decision of the examiner has been rendered. The request for reconsideration shall set forth the specific errors relied upon by such appellant, and the examiner may, after review of the record, take further action as the examiner deems proper. The examiner may request further information which shall be provided within 10 calendar days of the examiner's request. The examiner's written decision on the request for consideration shall be transmitted to all parties of record within 10 calendar days of receipt of the request for reconsideration or receipt of the additional information requested, whichever is later. (Ord. 6186 § 4, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.070 Findings of fact.

Preliminary plats shall only be approved if findings of fact are drawn to support the following:

A. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and sites for schools and school grounds;

B. Conformance of the proposed subdivision to the general purposes of the comprehensive plan;

C. Conformance of the proposed subdivision to the general purposes of any other applicable policies or plans which have been adopted by the city council;

D. Conformance of the proposed subdivision to the general purposes of this title, as enumerated in ACC 17.02.030;

E. Conformance of the proposed subdivision to the Auburn zoning ordinance and any other applicable planning or engineering standards and specifications as adopted by the city, or as modified and approved as part of a PUD pursuant to Chapter 18.69 ACC;

F. The potential environmental impacts of the proposed subdivision are mitigated such that the preliminary plat will not have an unacceptable adverse effect upon the quality of the environment;

G. Adequate provisions are made so the preliminary plat will prevent or abate public nuisances. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.10.080 Notice of decision to applicant.

Following the decision of the hearing examiner or planning director approving or rejecting a preliminary plat or short plat, the director shall notify the applicant of the decision. The notice shall be accompanied by a copy of the decision. If the decision is for approval or approval with conditions, the notice shall advise the applicant to prepare an improvement method report, as described by Chapter 17.14 ACC, and shall inform the applicant regarding the applicable time limitations on final plat submittal. This notice of decision is in addition to any notice of decision required under ACC Title 14. (Ord. 6186 § 5, 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.090 Transfer of property.

If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land following preliminary plat approval but prior to final plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this chapter, the offer or agreement does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded. (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

17.10.100 Adjustments of an approved preliminary plat.

A. Minor Adjustments. Minor adjustments may be made and approved by the planning director. Minor adjustments are those which may affect the precise dimensions of the plat but which do not affect the basic character or arrangement of the lots and streets. Such dimensional requirements shall not vary more than 10 percent from the original. The adjustments cannot be inconsistent with the requirements of the preliminary plat approval. The adjustments cannot cause the subdivision to be in violation of this title, the

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1 zoning ordinance, any other applicable city land use control, Chapter 58.17 RCW, or any
2 other applicable state law or regulation. Minor adjustments shall be reviewed for
3 consistency with this chapter and the regulations of this Title, as well as the following
4 criteria:

- 5 1. The adjustment maintains the design intent or purpose of the original approval;
6 and
- 7 2. The adjustment maintains the quality of design or product established by the
8 original approval; and
- 9 3. The adjustment does not cause a significant environmental or land use impact on
10 or beyond the site; and
- 11 4. The adjustment is not precluded by the terms of this Title or by state law from
12 being decided administratively; and
- 13 5. Circumstances render it impractical, unfeasible or detrimental to the public
14 interest to accomplish the subject condition or requirement of preliminary plat or short
15 plat approval.

16 B. Major Adjustments. Major adjustments are those when determined by the planning
17 director, substantially change the basic design, layout, open space or other requirements
18 of the plat. For the purpose of this section, substantial change includes the creation of
19 additional lots, the elimination or significant reduction of open space, change to the
20 overall layout that would change the quality of the design or product, or changes to
21 conditions of approval on an approved preliminary plat or short plat. When the planning
22 director determines a change constitutes a major adjustment, a new application for a
23 preliminary plat is required and shall be processed as a new and separate application.
24 (Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

25 **17.10.110 Time limitations.**

26 A. A preliminary plat, approved on or subsequent to April 17, 1995, shall be valid for a
27 five-year period following approval of the preliminary plat. The hearing examiner may
28 allow incremental one-year extensions subject to a finding that a good faith effort has
29 been attempted in applying for a final plat. A good faith effort is defined to be at minimum
30 the submittal of complete engineering construction drawings to the city. At the same time
31 the hearing examiner is considering the extension he may also add, alter or delete any
32 conditions or requirements that were made part of the preliminary plat approval.

33 B. A plat granted preliminary approval, but not filed for final plat approval within the
34 applicable time period or extended time period, shall be null and void. (Ord. 6186 § 6,
35 2008; Ord. 5140 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)

Chapter 17.12 FINAL PLATS

Sections:

- 17.12.010 Application submittal and contents.
- 17.12.020 Administrative review.
- 17.12.030 City council action.
- 17.12.040 Terms of approval.
- 17.12.050 Distribution and filing.
- 17.12.060 Transfer of ownership.
- 17.12.070 Building, occupancy and model home permits.
- 17.12.080 Release of improvement guarantee.

17.12.010 Application submittal and contents.

A. Application. An application for final plat approval meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the planning department consistent with the requirements of ACC 17.02.065. [Editor's Note: Application requirements authorized pursuant to ACC 17.02.065. Detail of application requirements section above will be found in application form or handout which will not require a code amendment to be revised.]

17.12.020 Administrative review.

A. Upon receipt of a final plat for council approval, the director shall place the final plat on the next council agenda that allows for at least 10 working days of staff review prior to the council meeting.

B. The director shall forward the plat to the city engineer and to other city departments for review. The city engineer shall review the final plat and determine if it is in compliance with the certificate of improvements issued under ACC 17.14.020, is consistent with all applicable city improvement standards and requirements in effect on the date of preliminary plat approval.

C. Prior to the date at which the council will consider the final plat, the director shall forward to the council the original of the final plat, along with the planning agency's report which discusses the conformity or nonconformity of the final plat with: the terms and conditions of the preliminary plat approval; the requirements of Chapter 58.17 RCW and other applicable state laws in effect at the time of preliminary plat approval; and the requirements of this title in effect at the time of preliminary plat approval. (Ord. 4296 § 2, 1988.)

17.12.030 City council action.

The city council shall have sole authority to approve final plats. The council shall approve, disapprove, or return to the applicant for modification or correction, a proposed final plat, on the date of the meeting set for consideration of the final plat under ACC 17.12.020(A), unless the applicant agrees, in writing, to an extension of the time period provided by ACC 17.12.010(A) and RCW 58.17.140. If the council finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and the said subdivision meets the requirements of Chapter 58.17 RCW, other applicable state laws, and this title, which requirements were in effect on the date of

preliminary plat approval, it shall direct and authorize the mayor to suitably inscribe and execute its written approval on the face of the final plat. (Ord. 4296 § 2, 1988.)

17.12.040 Terms of approval.

A subdivision shall be governed by the terms of approval of the final plat, and the zoning ordinance and regulations in effect on the date of preliminary plat approval for a period of five years after final plat approval unless the hearing examiner finds that a change in conditions creates a serious threat to the public health or safety in the subdivision. (Ord. 6186 § 8, 2008; Ord. 4296 § 2, 1988.)

17.12.050 Distribution and filing.

The director shall distribute the original and copies of the approved final plat as follows:

A. The original shall be forwarded to the appropriate county office for recording. The plat must be recorded within 30 days or the plat shall become null and void. A recorded Mylar copy shall be provided to the city and applicant;

B. Two paper copies shall be transmitted to the county assessor;

C. One reproducible copy shall be transmitted to the city engineer;

D. One reproducible copy shall be retained in the files of the department. (Ord. 6061 § 2, 2006; Ord. 4296 § 2, 1988.)

17.12.060 Transfer of ownership.

Whenever any parcel of land lying within the city is divided under the provisions of this title, no person, firm or corporation shall sell or transfer, or offer or advertise for sale or transfer, any such lot, tract or parcel without having first had an approved final plat of such subdivision filed for record, except as provided by ACC 17.10.090. (Ord. 4296 § 2, 1988.)

17.12.070 Building, occupancy and model home permits.

A. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision prior to a determination by the fire marshal that adequate fire protection for construction needs exists.

B. No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved subdivision until either:

1. All required improvements which will serve the subject lot or parcel have been constructed and the city has accepted a properly executed bill of sale for such improvements; or

2. All required improvements have been bonded or otherwise guaranteed under the requirements of ACC 17.14.010; or

3. An improvement bond in an amount adequate, in the determination of the city engineer, to guarantee construction of those required public improvements necessary to serve the lot or parcel for which a building permit is sought, has been accepted by the city.

C. No occupancy permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a structure on a lot or parcel within an approved subdivision prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the building official.

1 D. Prior to final plat approval of an approved preliminary plat, building permits for
2 model homes may be granted by the building official subject to the following conditions:

- 3 1. Model homes are single-family dwellings as defined by ACC 18.04.340(A).
4 The purpose of a model home is for sales promotion and display of homes that will be
5 typically built within a subdivision and are open to the public for viewing.
6 2. Up to two model homes may be allowed for preliminary plats up to 20 lots. Up
7 to four model homes may be allowed for preliminary plats in excess of 20 lots.
8 3. All model homes shall be served by an all weather surface access as
9 approved by the city engineer and fire marshal.
10 4. All model homes shall be located within 300 feet of an operating fire hydrant
11 as determined and approved by the fire marshal.
12 5. Prior to the public being allowed to access a model home written permission
13 must be received from the building official.
14 6. Information must be submitted with the final plat application that indicates the
15 model home meets all applicable zoning code standards of the lot on which it is located.
16 (Ord. 5094 § 1, 1998; Ord. 4296 § 2, 1988.)

17 E. Where a plat is approved subject to conditions, no building permit shall be issued
18 for property subject to the subdivision prior to the conditions either being fulfilled or
19 guarantees provided to ensure the conditions are met. (Ord. 6006 § 3, 2006; Ord. 5164
20 § 1, 1998; Ord. 4840 § 1, 1996; Ord. 4296 § 2, 1988.)
21

22 **17.12.080 Release of improvement guarantee.**

23 A. If an improvement bond or other guarantee has been submitted under ACC
24 17.14.010 or 17.12.070 such guarantee shall only be released upon acceptance by the
25 city of a properly executed bill of sale for such improvements and submittal of adequate
26 “as-built” drawings for which the guarantee was submitted for. Partial release of the
27 guarantee may be allowed but only to satisfy the requirement of subsection B of this
28 section.

29 B. A portion of the guarantee equivalent to 10 percent of the value of the public
30 improvements guaranteed shall be retained as a maintenance bond by the city for a
31 period of time up to one year from the date the city engineer certifies the completion of
32 the plat improvements have been satisfied, to ensure the adequate operation of such
33 improvements, following which any unused portion of such guarantee shall be released.
34 (Ord. 5094 § 1, 1998; Ord. 4296 § 2, 1988.)
35
36

Chapter 17.14

IMPROVEMENT REQUIREMENTS - SUBDIVISIONS

Sections:

- 17.14.005 Plan preparation, submittal and approval.
- 17.14.010 Improvement methods.
- 17.14.020 City engineer's certificate of improvements.
- 17.14.020 Street, sanitary sewer and water plans.
- 17.14.030 Drainage plans.
- 17.14.040 Public water service.
- 17.14.050 Public sanitary sewer service.
- 17.14.060 Street requirements.
- 17.14.070 Block requirements.
- 17.14.080 Street grades.
- 17.14.090 Principal arterials.
- 17.14.100 Minor arterials.
- 17.14.110 Residential collector arterials.
- 17.14.120 Nonresidential collector arterials.
- 17.14.121 Rural collector arterials.
- 17.14.122 Local nonresidential streets.
- 17.14.130 Local residential streets.
- 17.14.140 Rural residential streets.
- 17.14.150 Alleys.
- 17.14.170 Private streets, access tracts or easements.
- 17.14.180 Dead-end streets.
- 17.14.190 Changes in grade.
- 17.14.200 Street signs and channelization.
- 17.14.210 Street trees.
- 17.14.220 Street lighting.
- 17.14.230 Fire hydrants.
- 17.14.240 Underground utilities.
- 17.14.250 Lot requirements.
- 17.14.260 Parks and playgrounds.
- 17.14.270 Floods and flood control.
- 17.14.280 Additional requirements.

[Note: Chapter

17.14.005 Plan preparation, submittal and approval.

A. Plans for improvements shall be prepared, signed, dated and stamped by a professional civil engineer registered in the state of Washington and shall be in accordance with city standards and specifications. Plans shall be submitted to the city, following preliminary plat approval, for circulation and review. No construction permit or approval shall be issued and no construction activity shall commence relating to subdivision improvements until the plans required by this chapter have been approved and signed by the city engineer. Plans shall be consistent with the approved preliminary plat. All sanitary sewer, water, drainage and street improvements to be dedicated to the city shall be covered by a public facilities extension agreement, as required by ACC Title 13.

1 B. For preliminary plats that were approved, but not constructed, prior to the effective
2 date of the amendments to this chapter as adopted by the ordinance codified in this
3 chapter, the owner/developer may choose to use the standards in effect at the time of
4 the preliminary plat approval or, if approved by the city engineer, use the standards
5 adopted pursuant to this chapter.

6 C. The street construction standards for preliminary plats, that are approved pursuant
7 to the standards adopted by this chapter, may need to be modified in order to properly
8 interface with adjacent plats constructed to previous city standards. Such modification
9 shall be reviewed and approved by the city engineer. An appeal of the city engineer's
10 decision shall be consistent with the appeal process for city design standard appeals.
11 (Ord. 6186 § 9, 2008; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

12 [Note: Section 17.14.005 moved from ACC 17.12.010, Subdivision Improvements, of
13 current code.]

14 **17.14.010 Improvement methods.**

15 Following preliminary plat approval and approval of all plans required by Chapter
16 17.14 ACC, and prior to submission of an application for final plat approval, the
17 applicant/plat developer shall guarantee the public improvements required for the plat
18 are completed by one of the following methods:

19 A. By furnishing to the city an assignment of funds or an irrevocable letter of credit or
20 other similar security satisfactory to the city engineer, in which assurance is given the
21 city that the installation of the required public improvements will be carried out as
22 provided by plans submitted and approved pursuant to Chapter 17.14 ACC and in
23 accordance with city standards and specifications, and under the supervision of the city
24 engineer.

25 1. The amount of the assignment of funds or irrevocable letter of credit or other
26 security shall be 150 percent of the estimated cost of the required public improvements,
27 as determined by the applicant, and approved by the city engineer. A substantial portion
28 of the required public improvements, subject to the satisfactory security, shall be
29 completed within the initial 18-month period of the satisfactory security for the plat
30 improvements. The remainder of the improvements shall be completed within six
31 months. During construction, the city engineer may allow partial releases of the financial
32 security as construction progresses:

33 a. The city engineer shall allow not more than four partial releases of the
34 financial security during plat construction;

35 b. The sequencing of partial releases of the financial security is to be
36 determined by the city engineer prior to the acceptance of the security; and

37 c. With the exception of the final lift of pavement, the sequencing of partial
38 releases of the financial security is to be tied to the completion of separate or
39 combinations of separate infrastructure elements including the water system, sewer
40 system, storm system, private utilities, curb and gutter, sidewalks and driveways,
41 illumination, and street pavement, as determined by the city engineer; provided, that the
42 city engineer shall endeavor to make sure that the amount of remaining security for the
43 last phase shall be sufficient to cover the amount of reasonable costs the city may incur
44 in completing the remaining work, including but not limited to construction costs, design
45 costs, bidding costs and administrative costs.

46 2. The city engineer may allow incremental six-month extensions of the
47 satisfactory security time frame, up to one year beyond the initial two-year period, if
48 there are unforeseen circumstances, beyond the control of the plat developer, that do
49 not allow the completion of the public improvements.

1 3. As a condition of the plat improvement permitting approval, the developer shall
2 agree that in the case of the developer's default or failure to complete the improvements
3 as per the approved plans and conditions, including time schedules, the city shall have
4 the authority to complete the construction of public improvements utilizing the above
5 described satisfactory security.

6 4. The city engineer may further agree to allow the developer to utilize
7 assignment of funds or irrevocable letter of credit or other security acceptable to the city
8 engineer to cover the one-year minimum warranty period.

9 B. By the formation of a local improvement district consistent with the provisions of
10 Chapter 3.20 ACC and any other applicable requirement of the city and the state.

11 C. By actual installation of improvements in accordance with the provisions of Chapter
12 17.14 ACC, and in accordance with city standards and specifications and under the
13 supervision of the city engineer.

14 D. By a combination of these methods.

15 E. For any of the above combinations of methods, other than subsection C, the plat
16 developer shall execute and record against the plat properties, a statement approved by
17 the city attorney which holds the city harmless and limits the city's financial obligation to
18 construct any defaulted private utility facilities and public infrastructure for streets, water
19 utility, sanitary sewer utility, or storm water utility systems to the face value of the bond
20 shall be memorialized on the plat documents. The statement shall also recognize the
21 city's reserved, unilateral rights to establish the schedule for construction of defaulted
22 plat infrastructure. Such statements shall be legally binding upon the heirs and assigns
23 of the developer, subsequent property owners and their heirs and assigns. (Ord. 5670 §
24 1, 2002; Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)

25 [Note: Section moved from ACC 17.08.010, Subdivision Improvements, of current
26 code.]

27 **17.14.015 City engineer's certificate of improvements.**

28 After completion of all required improvements and/or the guarantee of the construction
29 of all required improvements, the city engineer shall submit a certificate in duplicate to
30 the planning director stating the required improvements, in accordance with the
31 provisions of this title and in accordance with city standards and specifications, have
32 been completed or guaranteed to the satisfaction of the city engineer. An application for
33 a final plat will not be accepted until the city engineer has signed such certificate of
34 improvements. (Ord. 5093 § 1, 1998; Ord. 4296 § 2, 1988.)

35 [Note: Section moved from ACC 17.08.020, City engineer's certificate of
36 improvements, of current code. Remaining sections moved from ACC 17.14]
37

38 **17.14.020 Street, sanitary sewer and water plans.**

39 Plan/profile maps shall be prepared for all proposed streets, storm systems, sanitary
40 sewer systems and water systems. The horizontal scale of such plans shall be one inch
41 equals 20 feet and the vertical scale shall be one inch equals five feet or one inch equals
42 two feet, as approved by the city engineer. The plans required by this section shall show
43 all existing and proposed topography, utilities, grades, lot lines with appropriate
44 numbers, rights-of-way and all other features or additional information required by the
45 city engineer. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.030 Drainage plans.

A drainage/site grading plan shall be prepared in conformance with the requirements of Chapter 13.48 ACC. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.040 Public water service.

Each lot in a subdivision created under this title shall be served by a public water system owned and operated by the city unless the city finds that:

A. City water service is not practical due to topography, distance from city water facilities of adequate capacity, extreme low proposed developmental density, or similar factor; and

B. Private water service will not be detrimental to the implementation of the adopted comprehensive water plan; and

C. Private water service will not pose a threat to the public health, safety or welfare; and

D. Private water service is necessary to accomplish the purposes of this title.

If private water service is approved, preliminary plat approval shall be conditioned on the ability of the subdivider to obtain all necessary approvals for the private water system or systems, and the final plat shall not be approved until the subdivider demonstrates, to the satisfaction of the city engineer, that the proposed water system or systems will adequately serve the domestic water needs of future owners of property within the subdivision. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.050 Public sanitary sewer service.

Each lot in a subdivision created under this title shall be served by the Auburn sanitary sewer system, unless the city finds that:

A. City sanitary sewer service is not practical due to topography, distance from city sanitary sewer facilities of adequate capacity, extreme low proposed developmental density, or similar factor; and

B. On-site sewage disposal systems will not be detrimental to the implementation of the adopted comprehensive sewerage plan; and

C. On-site sewage disposal systems will not pose a threat to the public health, safety or welfare; and

D. On-site sewage disposal systems are necessary to accomplish the purposes of this title; and

E. The city engineer has reported favorably on the use of on-site sewage disposal systems. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.060 Street requirements.

A. The subdivision shall abut on and/or be served by an open, maintained public street(s) and the street and block layout shall conform to the most advantageous development of adjoining areas, the entire neighborhood, and shall provide for the following:

1. Continuity of appropriate streets and arterials;

2. Streets generally following contour lines where practicable;

3. Offset intersections shall be avoided;

4. Streets intersecting at right angles, or as nearly as possible subject to approval by the city engineer;

5. Streets meeting the minimum right-of-way and pavement width standards of this title, except that half streets may be allowed along a boundary of a plat where

required to provide for a street or arterial designated by the comprehensive plan or portion thereof. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.070 Block requirements.

A block shall consist of any two or more contiguous lots which are not separated by a street. Blocks shall meet the following requirements:

A. Wherever appropriate, blocks shall provide for two tiers of lots; except that one tier of lots is encouraged between a residential street and an arterial, which lots shall front on and be accessed from the residential street.

B. Where the average area of lots does not exceed two acres, the distance between intersections along a street or arterial shall not exceed 1,320 feet.

C. Pedestrian and bicycle requirements shall be consistent with the city of Auburn's nonmotorized plan.

D. The number of streets intersecting with existing or proposed arterials shall be held to a minimum consistent with the provisions of this section and consistent with adequate local circulation. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.080 Street grades.

Street grades shall be in conformance with the adopted city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.090 Principal arterials.

Proposed and existing principal arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.100 Minor arterials.

Proposed and existing minor arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.110 Residential collector arterials.

Proposed and existing residential collector arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and

constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.120 Nonresidential collector arterials.

Proposed and existing nonresidential collector arterials located within or adjacent to the subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), the city may participate in exploring alternative funding mechanisms to complete the required improvements. If the previous condition does apply, the development will be responsible, as a minimum, for improvement(s) equivalent of local residential street(s). (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.121 Rural collector arterials.

Proposed and existing rural collector arterials located within or adjacent to a subdivision, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. If a property does not have access directly from the adjacent arterial(s), the city may participate in exploring alternative funding mechanisms to complete the required improvements. (Ord. 5164 § 1, 1998.)

17.14.122 Local nonresidential streets.

Proposed and existing streets, other than designated arterials, which are located within or adjacent to a subdivision, and which are to serve property designated for commercial or industrial uses, as designated by the city engineer in consultation with the circulation element of the Auburn comprehensive plan, shall be dedicated to the city and constructed or improved to meet the city of Auburn design and construction standards and city of Auburn specifications. (Ord. 5164 § 1, 1998.)

17.14.130 Local residential streets.

Proposed and existing streets, other than designated arterials, which are located within or adjacent to the subdivision, and which are to serve only property designated for residential uses, shall be constructed or improved to meet the city of Auburn design and construction standards and the city of Auburn specifications. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.140 Rural residential streets.

Proposed and existing streets, other than designated arterials, which are located within or adjacent to RC, residential conservancy, zoned property, and which are to serve only property designated for rural residential uses, shall be constructed or improved to meet the city of Auburn design and construction standards and the city of Auburn specifications. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.150 Alleys.

Proposed and existing alleys shall be in conformance with the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.170 Private streets, access tracts or easements.

Private streets, access tracts or easements may be used as a means of providing access to a lot or lots. The construction of the private streets shall be in conformance with the city of Auburn design and construction standards and the construction of the access tracts shall be in conformance with ACC 18.31.130.

17.14.180 Dead-end streets.

The construction of dead end streets shall be in conformance with the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.190 Changes in grade.

All changes in street grades shall be connected by vertical curves meeting the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.200 Street signs and channelization.

The subdivider shall provide and install all required traffic regulatory signs, street name signs and street striping and channelization as per the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.210 Street trees.

Tree planting shall conform to the city of Auburn design and construction standards. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.220 Street lighting.

Street lighting shall conform to the city of Auburn design and construction standards and shall be provided and installed by the subdivider. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.230 Fire hydrants.

Fire hydrants shall conform to the standards of Chapter 13.16 ACC.

17.14.240 Underground utilities.

A. All utility lines serving the subdivision, including but not limited to power, telephone and television cables shall be installed underground. Adequate easements shall be provided for all such utility lines which will not be located within public right-of-way. Television conduit and miscellaneous hardware shall be installed according to the requirements of Chapter 13.36 ACC.

B. Whenever an intersection of an arterial and any other street is constructed or improved under the requirements of this title, and when the city engineer has determined that traffic signalization of such intersection will be needed in the future, the city engineer may require the installation, at the subdivider's expense, of underground conduit which will be necessary for and will facilitate such future signalization. (Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.250 Lot requirements.

A. The area, width and depth of lots shall conform to the requirements of Chapter 18.06 ACC, except for development utilizing cluster subdivision as provided for in Section 17.26. The area within a “panhandle” access to a lot shall not be considered for the purpose of determining conformance with lot requirements.

B. The size, shape and orientation of lots shall be appropriate for the location, topography and other natural features of the site and for the type of development contemplated.

C. Every lot shall have a minimum of 20 feet of frontage on an improved public street or private access tract, unless otherwise approved by this title.

D. Corner lots designated for residential uses shall be platted at least five feet wider than required by the zoning ordinance.

E. Every lot shall border on an opened, improved and maintained public street or private access tract.

F. For single-family residential lots fronting on arterials, provisions shall be made for service drives in front or access provided to a secondary street or private access tract.

G. The side lot lines of each lot, which if extended would intersect with the curb, shall be marked on the curb as per the city engineer’s standard detail. (Ord. 5542 § 1, 2001; Ord. 5164 § 1, 1998; Ord. 4296 § 2, 1988.)

17.14.260 Parks and playgrounds.

Where dedication of land for park and recreation purposes is required, the hearing examiner shall be guided by the policies and recommended standards of the Auburn parks, recreation, and open space plan. It is the policy of the city to require park land dedication where a proposed subdivision will result in a substantial increase in demand for park land or is needed to prevent or abate public nuisances. Generally, this will occur where a subdivision will result in the creation of lots capable of supporting 50 or more residential dwelling units; however, where it is determined that the proposed subdivision, together with any reasonably anticipated future development on adjacent or nearby land, will act in a cumulative manner to substantially increase demand for park land, dedication may be required of smaller subdivisions. The acceptability of the size, configuration and location of land proposed for park dedication shall be determined by the hearing examiner based upon such factors as topography, drainage, natural amenities and access. (Ord. 6186 § 10, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296 § 2, 1988.)

17.14.270 Floods and flood control.

The city may disapprove a proposed subdivision because of flood, inundation or swamp condition if the city finds that such condition poses a threat to the public health, safety or general welfare or causes a public nuisance.

Where any portion of the proposed subdivision lies within the one percent flood hazard area or the regulatory floodway, the hearing examiner shall impose a condition on the preliminary plat requiring the subdivider to conform to the Federal Emergency Management Agency (FEMA) flood hazard requirements. In such cases, no development permit associated with the proposed subdivision shall be issued by the city until said FEMA requirements have been met.

The city may require dedication of land to any public body and/or the construction of improvements and may impose other conditions necessary to protect against flooding or

1 inundation. (Ord. 6186 § 11, 2008; Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord. 4296
2 § 2, 1988.)

3 **17.14.280 Additional requirements.**

4 The standards and requirements established or referenced by this chapter are
5 minimum requirements. These standards may be increased, and additional requirements
6 may be imposed for the purpose of preventing or abating public nuisances or mitigating
7 identified adverse environmental impacts pursuant to the State Environmental Policy Act
8 of 1971 (Chapter 43.21C RCW) as now established or hereafter modified. Such
9 additional requirements may include but shall not be limited to off-site improvements to
10 any public facility, the dedication and/or improvement of parks and open spaces, and
11 monetary contributions to any city fund established to finance the provision of public
12 services required by the subdivision. (Ord. 5164 § 1, 1998; Ord. 4772 § 1, 1995; Ord.
13 4296 § 2, 1988.)

1 **Chapter 17.16**
2 **REQUIREMENTS FOR PLANNING AND OTHER**
3 **STUDIES/ANALYSES**

4 Sections:

5 17.16.010 Neighborhood Circulation Plan.
6

7 **17.16.010 Neighborhood Circulation Plan.**

8 A neighborhood circulation plan shall be submitted for all subdivisions that addresses
9 both vehicular and pedestrian circulation within the proposed plat and the surrounding
10 area.

11 A. The planned street system must be compatible with the city's circulation plans.
12 Development which is proposed in areas of the city which have a planned street
13 system which is a part of the comprehensive plan or the city's six (6) year plan, and
14 any other street plan, shall make provisions for such streets and must not cause
15 implementation of such street plans to become unattainable.

16 B. A pedestrian circulation system must be integrated into the overall plat and
17 surrounding area.

18 1. When abutting vacant or underdeveloped land, new developments shall
19 provide for the opportunity for future connection to its interior pathway system through
20 the use of pathway stub-outs, building configuration, and/or parking lot layout. The
21 proposed location of future pedestrian connections shall be reviewed in conjunction
22 with applicable development approval.

23 2. Developments shall include an integrated pedestrian circulation system
24 that connects buildings, open spaces, and parking areas with the adjacent street
25 sidewalk system.

26 3. Pedestrian connections to existing or proposed trails/pedestrian routes on
27 adjacent properties shall be provided unless there are physical constraints such as
28 sensitive areas that preclude the construction of a pedestrian connection.
29

Chapter 17.18 MODIFICATIONS OF STANDARDS AND SPECIFICATIONS

Sections:

- 17.18.010 Formal subdivisions.
- 17.18.020 Short subdivisions.
- 17.18.030 Findings of fact.
- 17.18.040 Conditions.

17.18.010 Formal subdivisions.

A. The hearing examiner may approve a modification of any standard or specification established or referenced by Chapter 17.14 ACC, upon making the findings of fact in ACC 17.18.030.

B. The request for modification shall be processed simultaneously with the preliminary plat and the applicant shall submit the modification on forms provided by the department. (Ord. 6186 § 15, 2008; Ord. 4296 § 2, 1988.)

17.18.020 Short subdivisions.

A. The hearing examiner may approve a modification of any standard or specification established or referenced by Chapter 17.10 ACC.

B. The applicant shall submit the modification on forms provided by the department. The modification shall also be accompanied by a written agreement agreeing to the extension of time period as provided in ACC 17.10.025.

C. The hearing examiner shall conduct a public hearing consistent with ACC 18.70.040. The examiner's decision shall be final subject to appeal to superior court in a manner as provided in ACC 18.66.160. (Ord. 6186 § 16, 2008; Ord. 4296 § 2, 1988.)

17.18.030 Findings of fact.

A. Such modification is necessary because of special circumstances related to the size, shape, topography, location or surroundings of the subject property, to provide the owner with development rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located;

B. That, because of such special circumstances, the development of the property in strict conformity with the provisions of this title will not allow a reasonable and harmonious use of the property;

C. That the modification, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the property is located;

D. Such modification will not be materially detrimental to the implementation of the policies and objectives of the comprehensive land use, circulation and utility plans of the city;

E. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

F. The approval of the modification will be consistent with the purpose of this title;

G. The modification cannot lessen the requirements of the zoning ordinance. Any such modification must be processed as a variance pursuant to ACC 18.70.010. (Ord. 4296 § 2, 1988.)

1 **17.18.040 Conditions.**

2 In authorization of a modification, the hearing examiner may attach thereto such
3 conditions regarding the location, character and other features of the proposed
4 modification as he may deem necessary to carry out the spirit and purpose of this title
5 and in the public interest. (Ord. 4296 § 2, 1988.)

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Chapter 17.20 SUBDIVISION ALTERATIONS

Sections:

- 17.20.010 Scope.
- 17.20.020 Application.
- 17.20.030 Public hearing.
- 17.20.040 Assessments.
- 17.20.050 Revised plat drawings.

17.20.010 Scope.

Alterations to an existing subdivision which cannot be processed as subdivisions, short subdivisions, lot line adjustments or vacations shall be processed pursuant to the requirements of this chapter. (Ord. 4296 § 2, 1988.)

17.20.020 Application.

A. When any person is interested in the alteration of any subdivision or the altering of any portion thereof, that person shall submit an application to the city.

B. The application shall contain signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

C. The application shall also be accompanied by a drawing showing the details of the alteration. (Ord. 4296 § 2, 1988.)

17.20.030 Public hearing.

The hearing examiner shall conduct a public hearing pursuant to ACC 17.10.030 on the application for an alteration and may approve or deny the application for alteration of the subdivision after determining the public use and interest to be served by the alteration of the subdivision. (Ord. 6186 § 17, 2008; Ord. 4296 § 2, 1988.)

17.20.040 Assessments.

If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts or be levied equitably on the lots resulting from the alteration. (Ord. 4296 § 2, 1988.)

17.20.050 Revised plat drawings.

A. If the hearing examiner approves an alteration, the applicant shall provide a revised plat drawing to reflect the alteration. The drawing shall also contain any revised legal descriptions.

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1 B. The revised drawing may need to be prepared by a licensed land surveyor if the
2 director determines the alteration is detailed enough to require complete and accurate
3 drawings.

4 C. The revised drawing shall be signed by the applicable departments pursuant to this
5 title and be recorded at the appropriate King County offices for properties located in King
6 County or recorded at the appropriate Pierce County offices for properties located in
7 Pierce County. (Ord. 6186 § 18, 2008; Ord. 5170 § 1, 1998; Ord. 4296 § 2, 1988.)
8

Chapter 17.22 VACATIONS

Sections:

- 17.22.010 Application.
- 17.22.020 Streets, roads, and alleys.
- 17.22.030 Public hearing.
- 17.22.040 Title to vacated property.

17.22.010 Application.

A. Whenever a person is interested in the vacation of any subdivision or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the city.

B. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof. (Ord. 4296 § 2, 1988.)

17.22.020 Streets, roads, and alleys.

A. When the vacation application is specifically for a road, street or alley, the procedures for street vacation in Chapter 12.48 ACC shall be utilized for the vacation.

B. When the application is for the vacation of the plat together with the roads, streets, and/or alleys, the procedure for vacation in this chapter shall be used. (Ord. 4296 § 2, 1988.)

17.22.030 Public hearing.

The hearing examiner shall conduct a public hearing pursuant to ACC 17.10.030 on the application for a vacation and may recommend to the council to approve or deny the application for vacation of the subdivision after determining the public use and interest to be served by the vacation of the subdivision. The council shall adopt by ordinance any approval of a vacation pursuant to this chapter. (Ord. 4296 § 2, 1988.)

17.22.040 Title to vacated property.

A. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city shall be deeded to the city unless the city council shall set forth findings that the public use would not be served in retaining title to those lands.

B. Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the city council has found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city council. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the

1 boundary of the subdivision, title to the vacated road or street shall vest with the owner
2 or owners of property contained within the vacated subdivision.
3 C. If it is necessary to retain an easement through any portion of vacated property, the
4 easements shall be properly executed and recorded concurrent with the ordinance
5 approving the vacation. (Ord. 4296 § 2, 1988.)
6
7

8 **Chapter 17.24** 9 **BINDING SITE PLAN APPROVAL** 10

11 **17.24.010 Purpose.**

12 The purpose of the binding site plan process is to provide an alternative to the standard
13 subdivision process for specific types of development. The binding site plan shall only be
14 applied for the purpose of dividing land for:

15 A. Sale or for lease of commercially- or industrially-zoned property as provided in RCW
16 58.17.040(4);

17 B. A division for the purpose of lease as provided in RCW 59.17.040(5) RCW when no
18 other structure other than manufactured homes or travel trailers are permitted to be
19 placed upon the land; provided, that the land use is in accordance with the requirements
20 of Title 18 (Zoning); and

21 C. Condominiums as provided in either RCW 64.32 or 64.34 consistent with RCW
22 58.17.040(7).

23 **17.24.020 Approval Process.**

24 A. Approval process. An application for a binding site plan review shall be processed by
25 means of a Type II procedure pursuant to applicable sections of the Zoning Code using
26 approval criteria in Section (B) below.

27 B. Conditions of approval. The Director or designee shall have the authority to review
28 and approve, deny or approve with conditions a proposed binding site plans for the
29 purposes of land division as described in ACC 17.24.010. To approve a binding site plan
30 application, the Community Development Director or designee must determine that the
31 binding site plan is in accordance with the following:

32 1. Applicable standards of Title 12 (Streets and Sidewalks), Title 13 (Water, Sewer and
33 Public Utilities), Title 15 (Building and Construction), Title 16 (Environment), Title 18
34 (Zoning) and Title 19 (Impact Fees) and the applicable plan policies of the
35 Comprehensive Plan outlined by staff as being applicable to the proposed development;

36 2. Technical standards contained in ACC 17.14 (Improvement Requirements for
37 Subdivisions); and

3. Required mitigation measures imposed as a part of the SEPA review process.

17.24.030 Application Submission Requirements.

A. Submission requirements. Whenever an applicant desires to create legal lots by means of a binding site plan pursuant to this Chapter in conjunction with a new development or existing development, the applicant shall comply with the requirements of this chapter and shall submit all of the specified herein.

B. Plans. The applicant shall provide one original and seven copies of the following plan information:

1. Existing Conditions Plan. The following information shall be provided on one or more to-scale drawings. Drawings shall be on sheets not smaller than 21" X 34" nor larger than 24" X 36" and shall be drawn at a scale of 1"=50' or larger. Other scales may be used with the approval of the Director or designee. Plans for the preliminary plat will not be accepted if they are not collated and folded:

a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site;

b. The site size, dimensions and orientation relative north;

c. The location, name and dimensions of public and private streets adjoining the site;

d. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;

e. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%;

f. The approximate location of significant natural conditions such as:

1. The 100-year flood plain;

2. The location of drainage patterns and drainage courses;

3. Unstable ground (lands subject to slumping, slides or movement);

4. High seasonal water table or impermeable soils;

5. Areas having severe soil erosion potential;

6. Areas having severe weak foundation soils;

7. Significant wildlife habitat or vegetation;

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8. Slopes in excess of fifteen percent (15%);

9. Significant historic, cultural or archaeological resources, rock outcroppings.

2. Binding Site Plan. The proposed binding site plan shall include the following information presented on one or more drawings. Drawings shall be on sheets not smaller than 21" X 34" nor larger than 24" X 36". Preliminary binding site plans shall be drawn at a scale of 1"=50' or larger. Other scales may be used with the approval of the Director or designee. Plans for the preliminary plat will not be accepted if they are not collated and folded:

a. The proposed site and its dimensions and area.

b. Proposed lots, tracts and easements including dimensions and total acreage.

c. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within about 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

d. The location and dimensions of development if proposed, including the following:

1. Streets and other rights-of-way and public or private access easements on and adjoining the site;

2. All parking and circulation areas;

3. Loading and service areas;

4. Active or passive recreational or open space features;

5. All utilities;

6. Existing structures to be retained on the site and their distance from property lines;

7. Proposed structures on the site, including signs, fences, etc., and their distance from property lines if known at time of land division; and

8. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division.

3. Narrative. A Binding Site Plan Approval application shall include the following:

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a. A comprehensive narrative addressing how the development complies with the technical standards in ACC 17.14 (Improvement Requirements for Subdivisions and Short Subdivisions), applicable standards of Title 12 (Streets and Sidewalks), Title 13 (Water, Sewer and Public Utilities), Title 15 (Building and Construction), Title 16 (Environment), Title 18 (Zoning) and Title 19 (Impact Fees) and the applicable plan policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development.

b. Description of the uses proposed for the site;

c. Phasing plan, if applicable;

d. Construction schedule;

e. Any variances requested pursuant to applicable regulations in Title 18 (Zoning);

f. Existing covenants or restrictions and easements, if applicable; and

g. History of any previous subdivisions and short subdivisions of the property.

4. Supplementary information. One original and eight copies of the following supplemental information shall also be submitted unless otherwise indicated in parenthesis:

a. Environmental checklist that complies with ACC 16.06 (Environmental Review Procedures), if applicable;

b. Legal description;

c. Paper reproducible copies of all plans in 8 1/2 x 11" format;

d. Assessor's map(s) covering the area within 500' of the plat boundary;

e. Results of any completed percolation tests, if applicable (four copies);

f. A copy of the proposed plat map, reduced to fit on 8 1/2" x 11" or 11" x 17" paper;

g. Geotechnical/soils survey (four copies), if applicable;

h. Stormwater and erosion control plans as governed by ACC 13.48 (Storm Drainage Utility), and current City of Auburn Design Standards and City of Auburn Construction Standards (four copies);

i. Landscape plan that complies with applicable requirements of Title 18. If applicable, the landscape plan shall be drawn at the same scale as the existing

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- 1 conditions plan, or a larger scale if necessary. Where proposed development
2 affects only a portion of a site, the landscape plan need show only the areas
3 where existing soil contours and vegetation will be disturbed by the construction
4 or use, or other areas where landscaping is required;
- 5 j. Archaeological Pre-Determination Report, if applicable (four copies);
- 6 k. Sales history. A deed history of all applicable properties dating back to 1969
7 or to the date when a legal lot determination was made (one copy);
- 8 l. King County Health District Development Review Evaluation Form (four
9 copies), if applicable;
- 10 m. Pre-application conference notes; and
- 11 5. Fees. Applicable fees as governed by the current City of Auburn fee
12 schedule.
- 13 6. City Application Form. Complete City of Auburn application form containing
14 signatures of all property owners.

15 **17.24.040 Certification of Site Plan Compliance.**

- 16 A. Certification process. Prior to recording any binding site plan approved under the
17 provisions of Section 17.24.030 shall be certified to comply with the requirements of this
18 chapter by the Director or designee. Certification shall consist of the signature of the
19 Director and recording with the King County Recorder's Office with a record of survey.
20 The survey document shall include all required notes pertaining to development of the
21 properties and a statement legally binding all current and future owners to comply with
22 the conditions of approval. These may be provided as separate documents.
- 23 B. Revocation of certification. Certification may not be revoked unless the Director
24 finds that the plan, use or development project would violate the requirements of the
25 Auburn City Code or the Revised Code of Washington.
- 26 C. Criteria for creation of lots, parcels or tracts. Lots, parcels or tracts created through
27 the binding site plan process shall be considered legal lots of record. The number of lots,
28 tracts, parcels, sites or divisions shall not exceed the maximum number allowed by the
29 applicable zoning district designation and other applicable regulations of Title 18
30 (Zoning).
- 31 D. Legally responsible party. All provisions, conditions and requirements of the
32 binding site plan shall be legally enforceable on the purchaser or any other person
33 acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant
34 to the binding site plan.

35 **17.24.050 Vacation or Alteration of Approved Binding Site Plan.**

- 1 A. Alteration or vacation. A binding site plan may be altered or vacated if requested, in
2 writing, by all owners of the properties directly affected. An application shall be
3 submitted on a form prescribed by the Director or designee. In the instance of a
4 revision the applicant shall submit all of the materials required for preliminary binding
5 site plan review. In the instance of a vacation the burden of proof for justifying the
6 vacation of the binding site plan shall be on the applicant. The applicant must prove
7 that no property, either within the boundaries of the property to which the binding site
8 plan is applied or adjacent property, will be adversely impacted; the vacation will not
9 have an adverse impact on the provision of utilities in the area; no open spaces or
10 recreational facilities will be adversely affected by the vacation.
- 11 B. Procedure for alteration or vacation. The decision on an alteration or vacation of a
12 binding site plan shall be required to go through the same procedures as an original
13 application, including notification and preparation of staff reports. The appeal
14 procedures for binding site plan approval shall also be applicable to a requested
15 alteration or vacation.

Chapter 17.26 CLUSTER SUBDIVISIONS

- 17.26.010 Purpose.
17.26.020 Scope.
17.26.030 Clustering in urban separators
17.26.040 Clustering in residential zones outside urban separators.

17.26.010 Purpose.

The purpose of this chapter is to allow the clustering of lots within a subdivision onto a portion of the site, while maintaining the underlying allowable density. Clustering allows future development to occur at an appropriate density for infrastructure services. It also protects environmentally sensitive areas by clustering lots away from these areas.

17.26.020 Scope.

Clustering shall be mandatory in the urban separator overlay as delineated in the city of Auburn comprehensive land use plan map. Clustering is voluntary in the low residential zones, RC and RS-1, RS-5, and RS-7 outside of the urban separator overlay area.

17.26.030 Clustering in urban separators.

A. All subdivisions and short subdivisions in the RS-1 zoning district shall be required to be clustered pursuant to this section when the property is located wholly or partially within an urban separator as designated on the city of Auburn comprehensive land use plan map.

B. Cluster subdivisions and short subdivisions shall be subject to the development standards outlined in ACC Title 18. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, signage, etc.

C. The provisions of this Title, as well as other applicable portions of the Auburn City Code, shall apply unless specifically exempted. In addition, the following standards shall apply to clustered subdivisions or short subdivisions:

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1 1. Location. The cluster residential development shall be required in the RS-1
2 zoning district within urban separator areas.

3 2. Permitted uses. The cluster residential development option shall include only
4 single-family residential uses.

5 3. Minimum area. No minimum area is established for a cluster residential
6 development.

7 4. Permitted density. The maximum number of dwelling units permitted in a
8 cluster development shall be no greater than the number of dwelling units allowed for the
9 parcel as a whole for the zoning district in which it is located.

10 5. Lot size. The minimum lot size of individual building lots within a cluster
11 subdivision or short subdivision is two thousand five hundred (2,500) square feet. New
12 lots created by any subdivision or short subdivision action shall be clustered in groups
13 not exceeding eight (8) units. There may be more than one (1) cluster per project.
14 Separation between cluster groups shall be a minimum of one hundred twenty (120)
15 feet.

16 6. Lot width. The minimum lot width for individual building lots in a cluster
17 subdivision or short subdivision shall be thirty (30) feet.

18 7. Other development standards. Development standards other than lot size and
19 lot width shall be the same as are required within the RS zoning district.

20 8. Common open space. The common open space in a cluster subdivision or
21 short subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of
22 the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus
23 critical areas, as defined in RCW [36.70A.030](#)(5) as currently and hereinafter amended,
24 and buffers. The remainder of the nonconstrained area of the parcel shall be the
25 buildable area of the parcel. The common open space tracts created by clustering shall
26 be located and configured in the manner that best connects and increases protective
27 buffers for environmentally sensitive areas, connects and protects area wildlife habitat,
28 creates connectivity between the open space provided by the clustering and other
29 adjacent open spaces as well as existing or planned public parks and trails, and
30 maintains scenic vistas. Critical areas and buffers shall not be used in determining lot
31 size and common open space requirements in a cluster subdivision or short subdivision.
32 All natural features (significant stands of trees and rock outcropping), as well as critical
33 areas (such as streams, steep slopes and wetlands and their buffers) shall be
34 preserved.

35 Future development of the common open space shall be prohibited. Except as
36 specified on recorded documents creating the common open space, all common open
37 space resulting from lot clustering shall not be altered or disturbed in a manner that
38 degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or
39 resource lands; impairs scenic vistas and the connectivity between the open space
40 provided by the clustered development and adjacent open spaces; degrades wildlife
41 habitat; and impairs the recreational benefits enjoyed by the residents of the
42 development. Such common open spaces shall be conveyed to residents of the
43 development, conveyed to a homeowners' association for the benefit of the residents of
44 the development, or conveyed to the city with the city's consent and approval.

45 **17.26.040 Clustering in residential zones outside urban separators.**

46 A. When located wholly outside an urban separator, cluster subdivisions or short
47 subdivisions are allowed in RC, RS-1, RS-5, and RS-7 zoning districts subject to the
48 regulations below.

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1 B. The purpose of this cluster development option is as follows: to permit greater
2 flexibility in design and discourage development sprawl; to facilitate the economical and
3 efficient provision of public services; to provide a more efficient use of land in harmony
4 with its natural characteristics; to preserve more usable open space, agricultural land,
5 tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the
6 development of affordable housing without increasing the development's overall density.
7 Development standards and review criteria are intended to ensure that lots are
8 consistent with the desired character of the zone, allowing lots to vary in size and shape,
9 while still adhering to the planned density of the zone.

10 C. Cluster subdivisions or short subdivisions shall be subject to the development
11 standards outlined in ACC Title 18, unless otherwise modified by this chapter. These
12 standards include, but are not limited to, minimum lot size, width, yards, setbacks,
13 parking, landscaping, and signage.

14 D. The provisions of this Title, as well as other applicable portions of the municipal
15 code, shall apply unless specifically exempted. In addition, the following standards shall
16 apply to clustered subdivisions or short subdivisions:

17 1. Location. The cluster residential development may be allowed in RS and RR
18 zoning districts outside of urban separators.

19 2. Permitted uses. The cluster residential development option shall include only
20 single-family residential uses.

21 3. Minimum area. No minimum area is established for a cluster residential
22 development.

23 4. Permitted density. The maximum number of dwelling units permitted in a
24 cluster development shall be no greater than the number of dwelling units allowed for the
25 parcel as a whole for the zoning district in which it is located.

26 5. Lot size. In the interest of encouraging flexibility in site design and the
27 preservation of open space, the minimum lot size of individual building lots within a
28 cluster subdivision or short subdivision in single-family residential zoning districts may be
29 reduced by twenty-five (25) percent of the minimum lot size for the underlying zoning
30 district.

31 6. Lot width. The minimum lot width for individual building lots in a cluster
32 subdivision or short subdivision shall be thirty (30) feet. A shared driveway easement
33 may be included in the minimum lot width of irregular lots, provided the total driveway
34 width is no less than sixteen (16) feet and no longer than one hundred fifty (150) feet
35 unless otherwise required by the fire and public works departments.

36 7. Other development standards. Development standards other than lot size and
37 lot width shall be the same as are required within the zoning district in which the cluster
38 residential development is located.

39 8. Additional approval criteria for cluster development projects:

40 a. The proposed cluster development project shall have a beneficial effect
41 upon the community and users of the development that would not normally be achieved
42 by traditional lot-by-lot development, and it shall not be detrimental to existing or
43 potential surrounding land uses as defined by the comprehensive plan.

44 b. The proposed cluster development project shall be compatible with the
45 existing land use or property that abuts or is across the street from the subject property.
46 Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural
47 design.

48 c. Unusual and sensitive environmental features of the site shall be
49 preserved, maintained, and incorporated into the design to benefit the development and
50 the community.

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1 d. The proposed cluster development project shall provide open areas by
2 using techniques such as separation of building groups, use of well-designed open
3 space, common or shared space, and landscaping. Open space shall be integrated
4 within the cluster development project rather than be an isolated element of the project.

5 e. The proposed cluster development project shall promote variety and
6 innovation in site and building design and shall include architectural and site features
7 that promote community interaction and accessibility, such as porches, de-emphasized
8 garages, shared driveways, sidewalks/ walkways, and adjacent common areas.
9 Buildings shall be related by common materials and roof styles, but contrast shall be
10 provided throughout the site by the use of varied materials, architectural detailing,
11 building scale, and orientation.

12 f. Building design shall be based on a unified design concept, particularly
13 when construction is in phases.

14 9. Common open space.

15 a. The common open space in cluster subdivisions or short subdivisions
16 shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the
17 parcel is constrained by critical areas and their associated buffers.

18 b. Parking areas, public rights-of-way, maneuvering areas, streets, storage
19 areas, driveways, and yards within individual lots shall not be included in common open
20 space.

21 c. The common open space tracts created by clustering shall be located and
22 configured in the manner that best connects and increases protective buffers for
23 environmentally sensitive areas, connects and protects area wildlife habitat, creates
24 connectivity between the open space provided by the clustering and other adjacent open
25 spaces, as well as existing or planned public parks and trails, and maintains scenic
26 vistas.

27 d. All natural features (such as significant stands of trees and rock
28 outcroppings) as well as critical areas (such as streams, steep slopes and wetlands and
29 their associated buffers) shall be preserved.

30 e. Future development of the common open space shall be prohibited.
31 Except as specified on recorded documents creating the common open space, all
32 common open space resulting from lot clustering shall not be altered or disturbed in a
33 manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural
34 areas, or resource lands; impairs scenic vistas and the connectivity between the open
35 space provided by the clustered development and adjacent open spaces; degrades
36 wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the
37 development.

38 f. Ownership of such common open spaces shall be conveyed to all
39 residents of the development, conveyed to a homeowners' association for the benefit of
40 the residents of the development, or conveyed to the city with the city's consent and
41 approval.
42